

STATE OF NEW JERSEY
Inheritance Tax Return
NON-RESIDENT DECEDENT
(Instructions on reverse side)

(67) For Division Use Only

Decedent's Name _____ (Last) (First) (Middle) Decedent's S.S. No. _____

Date of Death (mm/dd/yy) _____ State of Residence _____ Testate ☐ Intestate ☐

Mailing Address
to send all
correspondence

Name _____ Phone () _____

Street _____

City _____ State _____ Zip Code _____

Do you expect to file a Federal Estate Tax Return? ☐ Yes ☐ No

ATTACH CHECK FOR BALANCE DUE HERE

1. Schedule A Real Property	1.	
2. Schedule B Closely Held "Businesses"	2.	
3. Schedule B(1)	3.	
4. Schedule E Transfers	4.	
5. Total Estate Wherever Situate (Add Lines 1 thru 4)	5.	
6. Schedule C Deductions	6.	
7. Net Estate Wherever Situate (Line 5, minus Line 6)	7.	
8. Contingent Amount Included in Line 7 (See instructions on reverse side)	8.	
9. Balance of Estate (Line 7, minus Line 8)	9.	
10. Method Used for Tax Calculation: ... <input type="checkbox"/> Flat Tax <input type="checkbox"/> Ratio <input type="checkbox"/> Direct Tax	10.	
11. Tax Due Based on Calculation Method (from attached worksheet)	11.	
12. Compromise Tax Due on Line 8 Amount (See instructions on reverse side)	12.	
13. Contingent Tax (See instructions on reverse side)	13.	
14. Total Tax Due (Total - Line 11 thru Line 13)	14.	
15. Interest Due (If applicable) (See instructions on reverse side)	15.	
16. Total Amount Due (Line 14, plus Line 15)	16.	
17. Payment on Account (If applicable)	17.	
18. If Line 17 (Payments) is LESS THAN Line 16, Enter BALANCE DUE - PAY THIS AMOUNT →	18.	
19. If Line 17 (Payments) is MORE THAN Line 16 Enter REFUND AMOUNT →	19.	

Deponent says, under penalty of perjury, "I declare that I have examined this return and all accompanying schedules and to the best of my knowledge and belief, it is true, correct and complete." I hereby authorize the party(s) set forth above to act as the estate's representative, to receive confidential information, and to make presentations on behalf of the estate.

Subscribed and sworn before me

this _____ day of _____, _____.

(Executor - Administrator - Heir-at-law)

Address: _____

Official Title (Notarized)



THIS FORM MAY BE REPRODUCED

**SCHEDULE "A" REAL PROPERTY
NON-RESIDENT DECEDENT**
(See Instructions on reverse side)

Decedent's Name		Decedent's Social Security Number		
Description of Real Estate (List all real estate both outside and within New Jersey)	Full Assessed Value for Year of Death	Full Market Value at Date of Death	Value of Decedent's Equity (and how determined)	This Column for Division Use
1. Street and Number Municipality: Lot: Block: County: State: Owner of Record: Mortgage Balance: \$ Mortgage Insurance: \$			How Determined	
2.			How Determined	
3.			How Determined	
Insert this total on page 1, line 1				

INSTRUCTIONS FOR SCHEDULE "A"

Real property in New Jersey should be described by the name of the town or city and county wherein said property is located, and by lot and block number and street number, if any.

- Explain how any fractional ownership in realty was derived. Indicate also whether held as tenants in common, as joint tenants or by entireties.
- Submit verification of the balance at the decedent's date of death of any mortgage on New Jersey real estate.
- Submit a copy of any appraisal, contract of sale, or closing statement.

SCHEDULE "B" CLOSELY HELD "BUSINESSES"
NON-RESIDENT DECEDENT
(See Instructions on reverse side)

Decedent's Name		Decedent's Social Security Number
Name and Federal Identification Number of Any Sole Proprietorship, Partnership, Joint Venture and/or Closely Held Corporation in Which the Decedent Held Any Interest	Market Value at Date of Death	This Column for Division Use
1.		
Insert this total on page 1, line 2		

(If additional space is required, attach riders of the same size)

INSTRUCTIONS FOR SCHEDULE "B"

GENERAL

If the taxpayer had any interest in a closely held corporation, partnership, joint venture or sole proprietorship, the following information is required (in each instance):

1. A detailed balance sheet and profit and loss statement, revised to reflect the market value of the assets thereof as distinguished from the net book value, as of the decedent's date of death, or as near thereto as the Director may deem acceptable.
2. For the five year period preceding the decedent's date of death:
 - A. Detailed balance sheets.
 - B. Detailed profit and loss statements.
3. The nature of the business.
4. Describe and state the assessed and market value of any real property.
5. Set forth your basis for determining the clear market value as reported.

CLOSELY HELD CORPORATIONS

If the decedent had any interest in a closely held corporation, submit (in addition to the general information required above):

1. For the five year period preceding the decedent's date of death:
 - A. A listing of salaries paid to officers.
 - B. A listing of dividends paid, together with the name(s) of the payees.
2. Copy/copies of any stock purchase or option agreement to which the decedent was a party as of the date of death.
3. Copy/copies of any insurance policy/policies on the decedent's life payable to the corporation as beneficiary together with a statement of the benefits payable thereunder.
4. The number of shares of stock of all classes issued and outstanding and the par value thereof.
5. List of stockholders setting forth the number of shares held by each.

PARTNERSHIPS OR JOINT VENTURES

If the decedent had any interest in a partnership or joint venture, submit (in addition to the general information required above):

1. Copy of the partnership agreement.
2. Copy/copies of any mutual purchase agreement(s) to which the decedent was a party at the date of death.
3. Copy/copies of any insurance policy/policies on the decedent's life payable to the surviving partners as beneficiary together with a statement of the benefits payable thereunder.

SOLE PROPRIETORSHIPS

If the decedent had any interest in a sole proprietorship, submit (in addition to the general information required above):

1. If any of the sole proprietorship's assets are listed elsewhere on this return, (i.e. Schedule "A"), make full disclosure.

SCHEDULE "B (1)" ALL OTHER PERSONAL PROPERTY
NON-RESIDENT DECEDENT
(See Instructions on reverse side)

Decedent's Name	Decedent's Social Security Number	
All Other Personal Property Owned Individually or Jointly; Indicate the Manner of Registration	Market Value at Date of Death	This Column for Division Use
1.		
Insert this total on page 1, line 3		

(If additional space is required, attach riders of the same size)

INSTRUCTIONS FOR SCHEDULE "B (1)"

List all tangible and intangible personal property (excluding that on Schedule B) wherever situated.

This schedule must disclose not only all other personal property owned individually by the decedent but also all other personal property standing in joint names (such as United States Savings Bonds, bank accounts, shares of stock, etc.) which may be claimed by another or others as survivors. The deceased joint tenant is deemed to have been the absolute owner of the property and the survivor/survivors are presumed to have received a devise or bequest of the whole and not a part of the property. This presumption can be rebutted to the extent that the survivor can prove contributions out of funds separate and apart from those that originated in the decedent.

This schedule must list all other intangible personal property such as, but not limited to, United States Savings Bonds; treasury certificates; cash on hand; cash in the bank; deposits in Federal or State Credit Unions; mutual funds; bonds and mortgages; promissory notes; claims; accounts receivables; corporate bonds; corporate stocks; accrued interest; dividends; salaries or wages; insurance payable to the estate or its representatives; interest in any undistributed estate or income from any property held in trust under the will or agreement of another.

Decedent's Name		Decedent's Social Security Number	
Debt or Claim of	Nature of Same	Amount	This Column for Division Use
<p>Name: _____</p> <p>Name: _____</p> <p>(If more than two, attach a rider of the same size)</p> <p>Name(s): _____</p> <p>_____</p> <p>_____</p> <p>SS# _____</p> <p>SS# _____</p>	<p>Estimated Expenses for:</p> <p><input type="checkbox"/> Administration</p> <p>(Attach an itemized list)</p> <p>Counsel Fees:</p> <p><input type="checkbox"/> Agreed Upon</p> <p><input type="checkbox"/> Estimated</p> <p>Executor's or Administrator's Commissions</p> <p>(Must not be claimed unless reported for</p> <p>Income Tax purposes.)</p> <p>SUBTOTAL</p> <p>Funeral</p> <p>Transfer taxes paid to other states</p> <p>(itemize by state)</p> <p>Other Deductions (list individually)</p>	<p>_____</p>	
<p>Insert this total on page 1, line 6</p>			

(If additional space is required, attach riders of the same size)

INSTRUCTIONS FOR SCHEDULE "C"

If any notes, brokerage accounts or other claims are secured by collateral, describe the collateral pledged, with its value as of the date of death of the decedent and state whether or not said collateral is included among the assets disclosed in Schedule B or B(1). If collateral is not pledged, state after each loan "No collateral pledged".

NOTE: No debt or claim is to be listed in this schedule unless still owing and unpaid at the time of death and unless such debt or claim is to be paid out of the assets of the estate.

(EXAMPLE: That portion of medical bills paid or reimbursed by Medicare or other medical insurance should not be claimed on this schedule).

Contested claims must be explained in detail. Do not list any taxes, either real, personal or income, chargeable for any period subsequent to date of death.

The estate agrees to advise the Division if the amount actually paid in settlement of any fee, commission or debt is greater or less than the estimated amount allowed and further agrees to the correction of the assessment, if necessary.

For mortgages see instructions for Schedule "A".

Examples of Allowable Deductions

FUNERAL EXPENSES:

Cemetery Plot (immediate family)
Funeral Luncheon
Flowers
Minister/Rabbi
Monument/Lettering
Funeral Costs
Acknowledgments

Will contests
Realty commissions
Probate litigation
Storage of property if delivery to legatee not possible within reasonable time

ADMINISTRATION EXPENSES:

Appraisal of real estate
Appraisal of personal effects
Surrogate's fees
Probate expenses
Fee to notify creditors
Death certificates
Telephone tolls
Cost of Executor's or Administrator's Bond
Collection costs
Court costs
Cost on recovery and/or discovery of assets

DEBTS OF DECEDENT OWING and UNPAID AT TIME OF DEATH:

Personal accounts
Judgments
Federal income and gift taxes
Real estate mortgage:
 (a) Interest accrued before death, deducted in Schedule C
 (b) Principal offset in Schedule A
Charitable pledges
State, county and local taxes accrued before death
Unpaid Inheritance Tax on interrelated estate
Transfer Taxes paid to other states
Debts on property located outside of New Jersey

Examples of Non-Allowable Deductions

Contingent liabilities
Mortgage, taxes and accrued interest on tenants by entirety property
Debts paid by insurance
Medical expenses paid prior to death
Liabilities of corporation of which decedent was a shareholder
Real estate and property maintenance costs

Storage expense
Litigated and disputed claims
State, county and local taxes accruing after date of death
New Jersey Transfer Inheritance Tax
Real estate brokers commissions, except if real property sold during administration of estate
Federal Estate Tax

SCHEDULE "D" NON-RESIDENT DECEDENT

<div>Decedent's Name</div> <div>Decedent's Social Security Number</div> <div>Details of Real and Tangible Personal Property subject to the jurisdiction of the State of New Jersey.</div> <div>CONSENTS TO TRANSFER WILL BE GRANTED ONLY ON PROPERTY INCLUDED IN THIS SCHEDULE.</div>		
<div>1. List below all New Jersey realty owned by decedent.</div> <div>2. Also list all tangible goods, wares and merchandise in New Jersey.</div> <div>(Note: Waivers are not required to transfer any intangibles such as bank accounts, mortgages, or bonds and stocks of New Jersey corporations.)</div>	<div>Market Value</div> <div>of Decedent's Equity</div>	<div>This Column for</div> <div>Division Use</div>

<hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> Decedent's Name	<hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> Decedent's Social Security Number
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8. Were any accumulated dividends due on any contract of insurance? (If yes, list below) ☐ Yes ☐ No

(If additional space is required, attach riders of the same size)

Decedent's Social Security Number

[illegible]

NAME	DATE OF DEATH	DOMICILE AT DEATH

Under authority of Federal law, the Division of Taxation of the Department of the Treasury of the State of New Jersey and the Internal Revenue Service have entered into a Federal/State Agreement for the mutual exchange of tax information for purpose of tax administration.

Decedent's Name _____ Decedent's S.S. No. _____
(Last) (First) (Middle)

If the New Jersey taxable property or any amount thereof is specifically devised or jointly owned (joint tenants with the right of survivorship), or transferred as indicated above, that amount is not subject to the flat tax but rather is taxed directly to the devisee(s) or surviving joint tenant(s) at the resident tax rates. See note on page 4.

1. Value of New Jersey real property and tangible personal property 1. _____
2. Value of gross estate both in and outside of New Jersey 2. _____
3. Flat tax ratio (Line 1 divided by Line 2) 3. _____
4. New Jersey resident tax on amount reported on Line 2 above
(See Page 6 of the instructions for classes of beneficiaries and tax rates) . . . 4. _____
5. Flat tax (Line 3 multiplied by Line 4) 5. _____

All decimals are to be carried to six places.

Decedent's Name _____ Decedent's S.S. No. _____
 (Last) (First) (Middle)

For use when only part of the New Jersey taxable estate is specifically devised or jointly owned (joint tenants with the right of survivorship), or transferred to one or more individuals within three (3) years of the decedent's death, or to take effect at or after the decedent's date of death.

If the New Jersey taxable property or any amount thereof is specifically devised or jointly owned (joint tenants with the right of survivorship), or transferred as indicated above, that amount is not subject to the flat tax but rather is taxed directly to the devisee(s) or surviving joint tenant(s) at the resident tax rates. See note on page 4.

- | | |
|---|----------|
| 1. Direct tax on New Jersey taxable property specifically devised, jointly owned, or transferred as indicated above. See page 5. | 1. _____ |
| 2. Value of New Jersey taxable property not specifically devised, jointly owned, or transferred as indicated above. | 2. _____ |
| 3. Value of gross estate both in and outside of New Jersey (including the New Jersey property specifically devised, jointly owned, or transferred as indicated above) | 3. _____ |
| 4. Flat tax ratio (Line 2 divided by Line 3) | 4. _____ |
| 5. New Jersey resident tax on amount reported on Line 3 above (see page 6 of the instructions for classes of beneficiaries and tax rates) | 5. _____ |
| 6. Resident tax less direct tax (Line 5 minus Line 1) | 6. _____ |
| 7. Flat tax (Line 4 multiplied by Line 6) | 7. _____ |
| 8. Total direct tax and flat tax (Line 1 plus Line 7) | 8. _____ |

In the event that any amount of the estate is contingent, the ratio calculated on Line 4 above should be applied to the resident compromise tax to compute the nonresident compromise tax due.

All decimals are to be carried to six places.

Decedent's Name _____ Decedent's S.S. No. _____
(Last) (First) (Middle)

If the New Jersey taxable property or any amount thereof is specifically devised or jointly owned (joint tenants with the right of survivorship), or transferred as indicated above, that amount is not subject to the ratio tax but rather is taxed directly to the devisee(s) or surviving joint tenant(s) at the resident tax rates. If all of the New Jersey taxable property is so devised or owned, the Flat Tax Affidavit form of return, described on Page 4, should be filed and no worksheet is required. See note on page 4.

- | | |
|--|-----------|
| 1. Gross N.J. taxable property (from Schedule "D") | 1. _____ |
| 2. Total estate wherever situate (IT-NR, Page 1, Line 5) | 2. _____ |
| 3. Gross to gross ratio (Line 1 divided by Line 2) | 3. _____ |
| 4. Total of administration expenses, counsel fees and commissions
(from subtotal of Schedule "C") | 4. _____ |
| 5. Deduction from gross N.J. taxable property (Line 4 multiplied by Line 3) . . | 5. _____ |
| 6. Net N.J. taxable property (Line 1 minus Line 5) | 6. _____ |
| 7. Net estate wherever situate (IT-NR, Page 1, Line 7) | 7. _____ |
| 8. Ratio (Line 6 divided by Line 7) (not to exceed 100%) | 8. _____ |
| 9. N.J. resident tax on amount reported on Line 7
(see page 6 of the instructions for classes of beneficiaries and tax rates) . . . | 9. _____ |
| 10. N.J. nonresident ratio tax (Line 8 multiplied by Line 9) | 10. _____ |

All decimals are to be carried to six places.

Decedent's Name _____ Decedent's S.S. No. _____
(Last) (First) (Middle)

If the New Jersey taxable property or any amount thereof is specifically devised or jointly owned (joint tenants with the right of survivorship), or transferred as indicated above, that amount is not subject to the ratio tax but rather is taxed directly to the devisee(s) or surviving joint tenant(s) at the resident tax rates. If all of the New Jersey taxable property is so devised or owned the Flat Tax Affidavit form of return, described on Page 4, should be filed and no worksheet is required. See note on page 4.

- ## NOTE

All decimals are to be carried to six places.

INTRODUCTION
NEW JERSEY TRANSFER INHERITANCE TAX - ESTATE TAX

GENERAL

New Jersey has had a Transfer Inheritance Tax since 1892 when a 5% tax was imposed on property transferred from a decedent to a beneficiary. Currently, the law imposes a graduated Transfer Inheritance Tax ranging from 11% to 16% on the transfer of real and personal property with a value of \$500.00 or more to certain beneficiaries.

BENEFICIARY CLASSES

The Transfer Inheritance Tax recognizes five beneficiary classes, as follows:

Class “A” - Father, mother, grandparents, spouse, child or children of the decedent, adopted child or children of the decedent, issue of any child or legally adopted child of the decedent and step-child of the decedent.

Class “B” - Eliminated by statute effective July 1, 1963.

Class “C” - Brother or sister of the decedent, including half brother and half sister, wife or widow of a son of the decedent, or husband or widower of a daughter of the decedent.

Class “D” - Every other transferee, distributee or beneficiary who is not included in Classes “A”, “C” or “E”.

Class “E” - The State of New Jersey or any political subdivision thereof, or any educational institution, church, hospital, orphan asylum, public library or Bible and tract society or to, for the use of or in trust for religious, charitable, benevolent, scientific, literary or educational purposes, including any institution instructing the blind in the use of dogs as guides, no part of the net earnings of which inures to the benefit of any private stockholder or other individual or corporation; provided, that the exemption does not extend to transfers of property to such educational institutions and organizations of other states, the District of Columbia, territories and foreign countries which do not grant an equal, and like exemption on transfers of property for the benefit of such institutions and organizations of this State.

NOTES: If any beneficiary is claimed to be the mutually acknowledged child of the decedent, said claim should be set forth in the detailed manner prescribed under N.J.A.C. 18:26-2.6.

For the purposes of the New Jersey Transfer Inheritance Tax an adopted child is accorded the same status as a natural child and, therefore, his relations are treated in the same manner as those of a natural child. (i.e. if the decedent’s adopted son marries, his spouse is “the wife of a son of the decedent” and therefore a class “C” beneficiary).

A devise of real property to a husband and wife as “tenants by the entirety” provides each with a vested life estate, the remainder being contingent. See N.J.A.C. 18:26-8.12.

The issue of stepchildren ARE Class “D” (NOT Class “A”) beneficiaries.

The following ARE Class “D” (NOT Class “C”) beneficiaries: stepbrother or stepsister of the decedent, wife or widow of a stepchild of the decedent, husband or widower of a step-child of the decedent, wife or widow of a mutually acknowledged child of the decedent, and husband or widower of a mutually acknowledged child of the decedent.

The fact that a beneficiary may be considered “nonprofit” by the Internal Revenue Service does not necessarily mean that it qualifies for exemption as a Class “E” beneficiary since the criteria are different.

TAX RATES

Each class of beneficiary has its own separate tax rate. See the Rate Schedule on Page 6.

EXEMPTIONS

1. The transfer of real property in this State held by a husband and wife as “tenants by the entirety” to the surviving spouse is not taxable for New Jersey Inheritance Tax purposes.

The transfer of personal property held by a husband and wife as tenants by the entirety to the surviving spouse is not exempt under New Jersey Transfer Inheritance Tax Law except as provided by N.J.S.A. 54:34-1(f), regarding stock or certificates of ownership in a cooperative housing corporation which is used as a principal residence.

2. The transfer of intangible personal property such as stocks, bonds, corporate securities, bank deposits and mortgages owned by a nonresident decedent is not subject to the New Jersey Inheritance Tax.
3. Any sum recovered under the New Jersey Death Act as compensation for wrongful death of a decedent is not subject to the New Jersey Inheritance Tax except as provided below:
 - a. Any sum recovered under the New Jersey Death Act representing damages sustained by a decedent between the date of injury and date of death, such as the expenses of care, nursing, medical attendance, hospital and other charges incident to the injury, including loss of earnings and pain and suffering are to be included in the decedent’s estate.
 - b. Where an action is instituted under the New Jersey Death Act and terminates through the settlement by a compromise payment without designating the amount to be paid under each count, the amount which must be included in the inheritance tax return is an amount, to the extent recovered, which is equal to specific expenses related to the injury. These expenses are similar to those mentioned in section a. above and include funeral expenses, hospitalization and medical expenses, and other expenses incident to the injury. Any amount which is recovered in excess of these expenses is considered to be exempt from the tax.
4. The proceeds of any contract of insurance insuring the life of a resident or nonresident decedent paid or payable, by reason of the death of such decedent, to one or more named beneficiaries other than the estate, executor or administrator of such decedent are exempt for New Jersey Inheritance Tax purposes.
5. The transfer of property to a beneficiary or beneficiaries of a trust created during the lifetime of a resident or nonresident decedent, to the extent such property results from the proceeds of any contract of insurance, insuring the life of such decedent and paid or payable to a trustee or trustees of such by reason of the death of such decedent, is exempt from the New Jersey Inheritance Tax irrespective of whether such beneficiary or beneficiaries have a present, future, vested, contingent or defeasible interest in such trust.

6. The transfer of life insurance proceeds insuring the life of a resident or nonresident decedent, paid or payable by reason of the death of such decedent to a trustee or trustees of a trust created by such decedent during his lifetime for the benefit of one or more beneficiaries irrespective of whether such beneficiaries have a present, future, vested, contingent or defeasible interest in such trust, is exempt from the New Jersey Inheritance Tax.

7. The transfer, relinquishment, surrender or exercise at any time or times by a resident or nonresident of this State, of any right to nominate or change the beneficiary or beneficiaries of any contract of insurance insuring the life of such resident or nonresident, regardless of when such transfer, relinquishment, surrender or exercise of such right occurred, is exempt from the tax.

8. Any amount recovered (under the Federal Liability for Injuries to Employees Act) for injuries to a decedent by the personal representative for the benefit of the classes of beneficiaries designated in that Statute, whether for the pecuniary loss sustained by such beneficiaries as a result of the wrongful death of the decedent or for the loss and suffering by the decedent while he lived, or both is not subject to the Inheritance Tax.

Any amount recovered by the legal representatives of any decedent by reason of any war risk insurance certificate or policy, either term or converted, or any adjusted service certificate issued by the United States, whether received directly from the United States or through any intervening estate or estates, is exempt from the New Jersey Inheritance Tax.

This exemption does not entitle any person to a refund of any tax heretofore paid on the transfer of property of the nature aforementioned; and does not extend to that part of the estate of any decedent composed of property, when such property was received by the decedent before death.

9. The proceeds of any pension, annuity, retirement allowance, return of contributions or benefit payable by the Government of the United States pursuant to the Civil Service Retirement Act, Retired Serviceman's Family Protection Plan and the Survivor Benefit Plan to a beneficiary or beneficiaries other than the estate or the executor or administrator of a decedent are exempt.

10. All payments at death under the Teachers Pension and Annuity Fund, the Public Employees' Retirement System for New Jersey, and the Police and Firemen's Retirement System of New Jersey, and such other State, county and municipal systems as may have a tax exemption clause as broad as that of the three major State systems aforementioned, whether such payments either before or after retirement are made on death to the employee's estate or to his specifically designated beneficiary, are exempt from the New Jersey Inheritance Tax.

The benefit payable under the supplementary annuity plan of the State of New Jersey is not considered a benefit of the Public Employee's Retirement System and is taxable whether paid to a designated beneficiary or to the estate.

The benefits paid to decedent's widow by the New Jersey State Firemen's Association per N.J.S.A. 43:17-35 and benefits paid to decedent's widow by the New Jersey State Judges Pension

Act per N.J.S.A. 2A:3-21.4 et seq. and 43:6 et seq. are exempt from taxation.

The death benefits paid by the Social Security Administration or railroad Retirement Board to the spouse of a decedent are also exempt. For purposes of filing a return these amounts need not be reported nor are they to be deducted from the amount claimed as a deduction for funeral expenses.

In all other cases the death benefit involved should either be reported as an asset of the estate or deducted from the amount claimed for funeral expenses.

11. Other pensions. An exemption is provided for payments from any pension, annuity, retirement allowance or return of contributions, which is a direct result of the decedent's employment under a qualified plan as defined by section 401(a), (b), and (c) or 2039(c) of the Internal Revenue Code, which is payable to a surviving spouse.

12. The amount payable by reason of medical expenses incurred as a result of personal injury to the decedent should be reflected by reducing the amount claimed for medical expenses as a result of the accident.

The amount payable at the death of an income producer as a result of injuries sustained in an accident, which are paid to the estate of the income producer, is reportable for taxation. In all other instances this amount is exempt.

The amount paid at death to any person under the essential services benefits section is exempt from taxation.

The claim for funeral expense is to be reduced by the amount paid under the funeral expenses benefits section of the law.

WHERE TO FILE

All returns are to be filed with the Individual Tax Audit Branch, Inheritance and Estate Tax at the New Jersey Division of Taxation, 50 Barrack Street, PO Box 249, Trenton, New Jersey 08695-0249.

WHEN TAX RETURNS ARE DUE

A Transfer Inheritance Tax Return must be filed and the tax paid on the transfer of real and personal property within eight months after the death of a nonresident decedent. No tax is imposed on non-resident decedents for real and tangible personal property located outside of New Jersey and intangible personal property wherever situated. However, even though these items are not taxed they are used in the formula for computing the nonresident tax (see the "N.J. Resident Tax" line on each tax worksheet).

The tax is a lien on all New Jersey real property for fifteen years unless paid sooner or secured by an acceptable bond. Interest accrues on unpaid taxes at the rate of 10% per annum.

AMENDMENTS TO AN ORIGINAL RETURN

Any assets and/or liabilities not disclosed in the original return and all supplemental data requested by the Division is to be filed in affidavit form and attested to by the duly authorized statutory representative of the estate, next of kin, or beneficiary certifying in detail a description of the asset, real or personal and/or the liability and the reasons for failure to disclose same in the original return and filed directly with the Individual Tax Audit Branch, Inheritance and Estate Tax, 50 Barrack Street, PO Box 249, Trenton, NJ 08695-0249.

ESTATE TAX

There is no New Jersey Estate Tax for the estates of non-resident decedents.

WAIVERS

A waiver is required for New Jersey real estate owned by a decedent dying a resident of another state with the exception of real estate owned by a husband and wife as “tenants by the entirety”.

The only way to obtain such waiver is by filing either form IT-NR or the flat tax affidavit described on page 4 of these instructions.

A membership certificate or stock in a cooperative housing corporation is considered intangible personal property and, therefore, is not subject to tax or waiver requirements in the estate of a nonresident decedent.

Waivers are not required for automobiles, household goods, personal effects, accrued wages or mortgages, but these items must be reported in the return filed.

IMPORTANT REMINDERS

- If the decedent died TESTATE you must supply a legible copy of the LAST WILL AND TESTAMENT, all CODICILS thereto and any SEPARATE WRITINGS.
- A copy of the decedent’s last full year’s FEDERAL INCOME TAX RETURN is required.
- All returns, forms and correspondence must contain the decedent’s SOCIAL SECURITY NUMBER.
- PAYMENTS ON ACCOUNT may be made to avoid the accrual of interest. (Form IT-EP is included in this booklet.)
- If PAYMENTS are not made by CERTIFIED CHECK the issuance of waivers may be delayed.
- All CHECKS should be made payable to NJ INHERITANCE TAX and sent to the New Jersey Division of Taxation, Individual Tax Audit Branch, Inheritance and Estate Tax, 50 Barrack Street, PO Box 249, Trenton, NJ 08695-0249.

A FLAT TAX MAY BE PAID IN LIEU OF FILING PRESCRIBED DATA

The representatives of the estate may avoid the necessity of a full disclosure of all of the detail called for in the enclosed forms by payment of a flat rate of tax on the fair market value of the decedent's real estate and goods, wares and merchandise located in the State of New Jersey. If this procedure is to be followed, submit an affidavit (*for which the Division has no printed form*) certifying the following facts:

1. Name of decedent; date of death; legal domicile as of the date of death.
2. Description and fair market value of the New Jersey goods, wares and merchandise; and describe (by lot and block number, address, municipality and county) the New Jersey real estate and give the assessed and market values thereof for the year of decedent's death. Explain how any fractional ownership in real estate was derived. If any liens or encumbrances were outstanding at decedent's death, state the facts fully. State whether or not there was mortgage insurance and, if there was, the amount thereof.
3. State value of gross estate of decedent both in and outside of New Jersey. Certify whether decedent made any gifts or transfers in contemplation of death, or to take effect at or after death, or created any trusts in his lifetime. Give names and relationship to decedent of donees or transferees, and market value of gifts, transfers or trusts. If the decedent at any time executed any deeds of trust or agreements of a similar nature, copies thereof must be submitted. If the decedent had an interest in either a closely held corporation or partnership submit copies of any stock purchase, option agreement, or mutual purchase agreement.
4. If decedent died testate, attach a certified copy of the will and give ages as of death of decedent of any life tenants or annuitants. State whether all beneficiaries survived. In those cases where decedent died intestate, state the names of the heirs-at-law and the next-of-kin and their relationship to decedent. Give parentage of heirs and next-of-kin taking deceased parent's share.
5. A recital to the effect that all right is waived for a refund of the payment of tax and interest found due. (However, any overpayment made in connection with the filing of the flat tax method will be refunded. This recital is meant to preclude the subsequent filing of the full disclosure ratio tax return for the purpose of obtaining a refund of the tax found due under the flat tax method).

On the basis of the above data, the flat tax will usually approximate the tax payable if the detailed report were filed. Statutory rates and exemptions are used in the flat rate computations which are illustrated in the attached worksheets.

In addition to the flat tax affidavit, IT-NR Page 1 must be completed and submitted. The numbered line items on the IT-NR Page 1 are completed as follows:

1. No entries are made on Lines 1, 2, 3, 4, 6 or 7;
2. Report the gross estate both in and outside of New Jersey, on Line 5;
3. Report any contingent amount included in Line 5, on Line 8;
4. Report the balance of the estate on Line 9 (Line 5 minus Line 8);
5. Complete Lines 10 thru 19.

NOTE: The flat tax affidavit form of return should be utilized for estates where all of the taxable New Jersey property is specifically devised, jointly owned (joint tenants with the right of survivorship), or transferred to one or more individuals within three (3) years of the decedent's death, or to take effect at or after the decedent's date of death. In these situations, the estate is not subject to the ratio or flat tax computations. Rather, the New Jersey property is taxed directly to the devisee, transferee, or surviving joint tenant at the resident rates. Accordingly, no worksheet is required. See the example on page 5.

COMPUTING A DIRECT TAX

As indicated in the “NOTE” on page 4, the direct tax method is utilized for computing the tax on the New Jersey real and tangible personal property that is specifically devised, jointly owned (joint tenants with the right of survivorship), or transferred to one or more individuals within three (3) years of the decedent’s death, or to take effect at or after the decedent’s date of death.

For example, an estate with a total gross value of \$2,400,000* containing New Jersey real estate with a fair market value of \$800,000 after mortgages and liens, specifically devised to a niece (Class “D” Beneficiary) of the decedent, is determined to be \$121,000 as follows:

<u>VALUE OF DEVISE</u>	X	<u>RATE</u>	=	<u>TAX</u>
\$700,000		15%		\$105,000
<u>100,000</u>		16%		<u>16,000</u>
<u>\$800,000</u>				<u>\$121,000</u>

*It should be noted that the gross value of this decedent’s estate was not a computational consideration in determining the tax to be \$121,000.

**A SURVIVING SPOUSE IS ENTIRELY EXEMPT
EFFECTIVE IN ESTATES OF DECEDENTS DYING ON OR AFTER JANUARY 1, 1985**

**REMAINING CLASS "A" TRANSFEREES ARE ENTIRELY EXEMPT
EFFECTIVE IN ESTATES OF DECEDENTS DYING ON OR AFTER JULY 1, 1988**

		Rates applicable to class A transferees in estates of decedents dying prior to dates indicated above				
		7-1-87 thru 6-30-88	7-1-86 thru 6-30-87	7-1-85 thru 6-30-86	7-1-78 thru 6-30-85	3-29-62 thru 6-30-78
First	\$ 5,000	Exempt	Exempt	Exempt	Exempt	Exempt
Next	10,000	Exempt	Exempt	Exempt	Exempt	1%
Next	35,000	Exempt	Exempt	Exempt	2%	2%
Next	50,000	Exempt	Exempt	3%	3%	3%
Next	50,000	Exempt	Exempt	4%	4%	4%
Next	50,000	Exempt	5%	5%	5%	5%
Next	50,000	Exempt	6%	6%	6%	6%
Next	50,000	6%	6%	6%	6%	6%
Next	200,000	7%	7%	7%	7%	7%
Next	200,000	8%	8%	8%	8%	8%
Next	200,000	9%	9%	9%	9%	9%
Next	200,000	10%	10%	10%	10%	10%
Next	300,000	11%	11%	11%	11%	11%
Next	300,000	12%	12%	12%	12%	12%
Next	500,000	13%	13%	13%	13%	13%
Next	500,000	14%	14%	14%	14%	14%
Next	500,000	15%	15%	15%	15%	15%
Over	3,200,000	16%	16%	16%	16%	16%

Class "C" Transferees

		On or after 7-1-88	3-29-62 thru 6-30-88 If less than \$500: no tax - If \$500 or more: no exemption
First	\$ 25,000	Exempt	11%
Next	1,075,000	11%	11%
Next	300,000	13%	13%
Next	300,000	14%	14%
Over	1,700,000	16%	16%

**Class "D" Transferees
On or after 3-29-62**

		If less than \$500: no tax If \$500 or more: no exemption
First	\$700,000	15%
Over	\$700,000	16%